

Section 810 - Municipal Liquor Dispensary

Section 810:00. Definitions.

Subd. 1. Unless the context clearly indicates otherwise, the words, combinations of words, terms, and phrases, as used in Section 810:00 et seq. shall have the meanings set forth in the subdivisions of this section which follow.

Subd. 2. "Intoxicating Liquor" and "Liquor" mean distilled, vinous and fermented beverages containing more than 3.2 per cent of alcohol by weight.

Subd. 3. "Beer" means any malt beverage with an alcoholic content of more than one-half of one per cent by volume and not more than 3.2% by weight.

Subd. 4. "On Sale" means sale by the drink for consumption in the dispensary.

Subd. 5. "Off Sale" means retail sale in the original package for consumption away from the dispensary.

Subd. 6. "Sell" includes all barter, gifts and other means of furnishing intoxicating liquor or beer in violation or evasion of this ordinance.

Subd. 7. "Minor" means any person under 18 years of age.

Section 810:05. Dispensary Established. There is hereby established a municipal liquor dispensary for the on and off-sale of intoxicating liquor. No liquor may be sold at retail elsewhere within the corporate limits of this municipality or by anyone not employed in the dispensary. No person shall consume liquor in a public park, on a public street, or in any public place other than the dispensary.

Section 810:10. Location and Operation.

Subd. 1. The dispensary shall be located at such suitable place as the Council determines by motion. However, no premises upon which taxes or other public levies are delinquent shall be leased for dispensary purposes.

Subd. 2. The dispensary shall be in the immediate charge of a liquor store manager selected by the Council and paid such compensation as is fixed by the Council. He shall furnish a surety bond to the municipality conditioned upon the faithful discharge of his duties, in such sum as the Council specifies. The bond premium may be paid by this municipality or by the manager in the discretion of the Council.

Subd. 3. The manager shall operate the dispensary under the Council's direction and shall perform such duties in connection with the dispensary as may be imposed upon him by the Council. He shall be responsible to the Council for the conduct of the dispensary in full compliance with this ordinance and with the laws relating to the sale of liquor and beer.

Subd. 4. The Council shall also appoint such additional employees as may be required for the dispensary and shall fix their compensation. All employees, including the manager, shall hold their positions at the pleasure of the Council. No minor shall be employed in the dispensary.

Section 810:15. Dispensary Fund Created.

Subd. 1. A municipal Liquor Dispensary Fund is hereby continued as heretofore established in which all revenues received from the operation of the dispensary shall be deposited and from which all ordinary operating expenses shall be paid. Any amounts it may be necessary to borrow from the General Fund for initial costs of rent, fixtures and stock or for operating expenses shall be reimbursed to that fund out of the first available moneys coming into the Dispensary Fund thereafter. Surpluses accumulating in the Dispensary Fund may be transferred to the General Fund or to any other appropriate fund by resolution of the Council and expended for any municipal purposes.

Subd. 2. The handling of municipal liquor dispensary receipts and disbursements shall comply with the procedure prescribed by law for the receipts and disbursements of municipal funds generally.

Subd. 3. The Council shall provide as soon as possible following the close of each fiscal year for an audit of the accounts of the municipal liquor dispensary for that fiscal year by the Public Examiner or a qualified public accountant.

Section 810:20. Hours of Operation. The dispensary shall observe the following restrictions upon the hours of operation.

Subd. 1. No sale of intoxicating liquor shall be made in the municipal liquor dispensary after 1:00 a.m. on Sunday, before 3:00 p.m. on any Memorial Day, or before 8:00 p.m. on the day of any statewide election. No on-sale shall be made in the municipal liquor dispensary between the hours of 1:00 a.m. and 8:00 a.m. on any weekday. No off-sale shall be made on New Year's Day, January 1, Memorial Day, May 30; Independence Day, July 4, Thanksgiving Day, or Christmas Day, December 25; and no off-sale shall be made after 8:00 p.m. on December 24.

Subd. 2. Cigars, cigarettes, all forms of tobacco, beer and soft drinks may be sold in the dispensary at on-sale and off-sale, except between the hours of 1:00 a.m. and 8:00 a.m. on week days and between 1:00 a.m. and 12:00 noon on Sundays.

Subd. 3. The dispensary shall not be open for business of any kind during the hours when sales of intoxicating liquor are prohibited.

Section 810:25. Conditions of Operation and Restrictions on Consumption.

Subd. 1. The dispensary shall not have swinging doors.

Subd. 2. No business other than the sale of liquor shall be carried on in the dispensary except the retail sale of cigars, cigarettes, all forms of tobacco, beer and soft drinks, both on-sale and off-sale.

Subd. 3. No pool or billiard table shall be kept in any part of the dispensary.

Subd. 4. No person shall keep, possess or operate in any part of the dispensary any slot machine, dice or other gambling device or permit the same to be kept or used. No person shall gamble on such premises and no gambling of any character shall be permitted thereon.

Subd. 5. No liquor or beer shall be sold on credit.

Subd. 6. No minor shall be permitted to remain on the dispensary premises.

Subd. 7. No liquor or beer shall be sold or served to a minor, directly or indirectly.

Subd. 8. No minor shall misrepresent his age for the purpose of obtaining liquor or beer.

Subd. 9. No liquor or beer shall be sold or served to an intoxicated person.

Subd. 10. No person shall be permitted to loiter about the dispensary habitually.

Subd. 11. No person of a known immoral character and no disorderly person shall be permitted on the dispensary premises.

Subd. 12. The dispensary shall be inspected by the Health Officer of this municipality at least once a month and as many other times as he deems necessary to insure that the premises are maintained in a sanitary condition.

Section 810:30. Beer Establishments Not Affected. No provision hereof shall affect the provisions of this code licensing and regulating the sale of beer, and ordinances amendatory thereof, nor any license granted thereunder.

Section 810:35. Enforcement and Penalty. It shall be the duty of all police officers of this municipality to enforce the provisions of this ordinance and to search premises and seize evidence of law violation and preserve the same as evidence against any person alleged to be violating this ordinance, and to prepare the necessary processes and papers therefor.

Any person violating any provision of this ordinance shall be guilty of a penal offense. Provided, also that any employee of the dispensary wilfully violating any provision hereof or any provision of the laws of Minnesota relating to gambling or the sale of intoxicating liquor or beer shall be discharged.